

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant:	Grover et al.	Patent Application
Application No.:	10/621,207	Group Art Unit: 2192
Filed:	July 15, 2003	Examiner: Dao, Thuy Chan
For:	HANDLING EXCEPTIONS	

REPLY BRIEF

In response to the Examiner's Answer mailed on September 2, 2009, Appellants respectfully submits the following remarks.

REMARKS

Appellants submit the following remarks in response to the Examiner's Answer. In these remarks, Appellants addresses certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellants agree with the other arguments presented in the Examiner's Answer.

Response to Response to Argument of Examiner's Answer

On page 13 of the Examiner's Answer it is asserted that "the claimed limitation 'a programming task' as equated with Bowman-Amuah's batch jobs and the claimed limitation 'an exception' that occurred for a programming task' was equated with Bowman-Amuah's batch jobs exceptions (but not 'batch job' as contended/argued by the Appellants)." Appellants respectfully assert that it is not appropriate to equate 'an exception' that occurred for a programming task' with batch jobs exceptions.

Appellants respectfully point out that the phrase "batch jobs exceptions" is not found in Bowman-Amuah. Nor are the phrases "batch job exceptions" and "batch job error" found in Bowman-Amuah. On page 4 of the Examiner's Answer, the following portion of Bowman-Amuah is cited to support the idea of "batch jobs exceptions":

"An architecture that supports batch jobs usually has certain characteristics. It must be able to support checkpoints and rollback, restart and recovery, error handling, logging, scheduling, and resource locking" (Bowman-Amuah, col. 194 lines 7-12). Appellants respectfully submit that an "architecture that supports batch jobs" that "must be able to support...error handling" is not an exception as disclosed by Appellants claimed features.

Moreover, Appellants note that MPEP §2131 provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Appellants respectfully submit that the different portions of Bowman-Amuah cited by the Examiner’s Answer and the Final Office Action mailed January 9, 2009 do not disclose the claimed embodiments as arranged by the Appellants’ Claims. Appellants’ do not concede that Bowman-Amuah discloses Appellants’ claimed embodiments. However, Appellants submit that if the cited portions of Bowman-Amuah disclosed elements of the claimed embodiments, it does not disclose the embodiments as arranged by Appellants’ Claims.

For example, in an attempt to show that portions of Bowman-Amuah teach the elements of Appellants’ Claim 1, the Examiner’s Answer cites at least from columns 194, 188 and 260-267, 30, 92, 98, 108, and 16 of Bowman-Amuah and cites to Figures 145, 143, 55, 28, and 10(Examiners Answer pages 3-6).

On further inspection of the cited portions and Figures, the Examiner’s Answer cites portions of Bowman-Amuah that disclose different embodiments of the invention disclosed in Bowman-Amuah. While columns 260-265 discuss exceptions and exceptions handling, columns 106-109 and 193-194 discuss batch jobs. As argued above, Appellants submit that exceptions and exceptions handling are not batch jobs. While Claim 1 is cited as an example, Claims 10 and 15 have features similar to Claim 1 and the instant Office Action relies on the same portions of Bowman-Amuah for the similar features. Therefore, because the different

portions of Bowman-Amuah cited by the instant Office Action are separated by numerous pages and disclose different embodiments of the invention, Appellants submit that Bowman-Amuah does not disclose the embodiments of the Appellants' invention as arranged by the Claims.

CONCLUSION

In view of the above remarks, Appellant continues to assert that pending Claims 1-8, 10-15 and 17 overcome the grounds of rejection, for reasons presented above and for reasons previously presented in the Appeal Brief.

Respectfully submitted,

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Dated: 10/29/2009

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